

SENSITIVE

FEDERAL ELECTION
COMMISSION
SECRETARIAT

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February 17, 2012

2012 FEB 29 P 3 52

Office of the General Counsel
Federal Election Commission
999 E. Street N.W.
Washington, DC 20463

MUR #

6537

RE: *Complaint against Jeff Flake for Senate, Inc. (Respondent)*

I am writing to request that the Federal Election Commission investigate the Jeff Flake for Senate, Inc. Committee ("Jeff Flake") for possible violations of Federal Election laws or Commission Regulations. The complaint requests the Commission investigate Jeff Flake's receipt of "earmarked" contributions and its failure to report contributions appropriately. It appears from the filed reports that Jeff Flake has received numerous "earmarked" contributions from an organization known as the Club for Growth.

In the original October Quarterly report, Jeff Flake reported receiving three separate earmarked contributions from the Club for Growth. The first earmarked contribution of \$5,625.00 was reported as received on July 15, 2011; a second earmarked contribution of \$4,299.00 was reported as received on August 8, 2011 and the third earmarked contribution of \$11,495.00 was reported as being received on August 15, 2011. However, Jeff Flake's original report identified receiving significantly more earmarked contributions than the total of these three receipts. Of additional concern is the fact that as of August 15, 2011, the individual earmarked contributions totaled only \$12,800.00, significantly less than the \$21,419.99 Jeff Flake reported as having received from the Club for Growth by August 15, 2011. Moreover, the total amount of earmarked contributions received from the Club for Growth during the reporting period appears to be \$45,625.00.

Recently, Jeff Flake filed an amended October Quarterly report. However, the amended report raises additional questions about the campaign contributions received from the Club for Growth. First, the amended report now appears to itemize additional earmarked contributions from the Club for Growth totaling \$46,325.00, which is higher than the original reported amount. Moreover, the amended report appears to report individual earmarked contributions from the Club for Growth totaling \$13,400.00 as of August 15, 2011, which again is far less than the three contributions it reported in the original report.

Jeff Flake's amended report also fails to provide the required information about when the contributions were received from the Club for Growth. Instead of noting the

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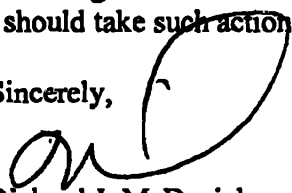
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dates the campaign received the contributions from the Club for Growth, Jeff Flake provides memo entries that correspond with the date of the individualized contribution. It would appear highly unlikely that Jeff Flake received each earmarked contribution on the same day that the Club for Growth received the contribution from the donor. Additionally, the memo entries do not match up with the itemized earmarked contributions. The amended report contains varying representations as to the total receipts in the "Amount of Each Receipt in this Period" field. The varying numbers are \$2,094.00¹, \$25,900.00, \$11,495.00², \$4,299.00, \$7,299.00, \$1,435.00, \$5,625.00 and \$3,370.00. Taken separately none of these figures equals the reported individual earmarked contributions. Taken together, they greatly exceed the reported individual earmarked contributions.

There are several discrepancies between the original and the amended report, including differing amounts reported as earmarked contributions. Moreover, the amended report appears to either omit the date that Jeff Flake received the contributions from the Club for Growth or now provides vastly different dates than previously reported. Finally, the amended report appears to lack the required information about the amount and date of each contribution received from the Club for Growth. These discrepancies require the Commission to investigate the campaign contributions received by Jeff Flake for Senate, Inc., including, but not necessarily limited to, the earmarked contributions.

Federal election laws and Commission regulations exist to ensure transparency and compliance with the Federal Election Campaign Act. It appears from its reports that Jeff Flake for Senate, Inc. may have violated federal statutes or commission regulations by failing to adequately report the source of campaign contributions. I request that the Commission investigate the "earmarked" contributions Jeff Flake for Senate, Inc. has received from the Club for Growth and any other conduits and require Jeff Flake for Senate, Inc. to properly disclose the sources of this campaign funding. If the investigation uncovers any other violations, the Commission should take such action as it deems necessary in the circumstances.

Sincerely,


Richard J. McDaniel
Attorney at Law

State of Arizona)
)ss
County of Maricopa)

SUBSCRIBED AND SWORN to before me, the undersigned Notary Public, by Richard J. McDaniel on this 20th day of February 2012.


Notary Public

My Commission Expires: 4/16/2013



¹ On 9/13/11 and 9/30/11, the amount is reported as \$2,084.00. It is unclear if this is a typographical error or intended to represent a separate "bundle" of contributions.

² On 8/27/11, the amount is reported as \$11,795.00. Again it is unclear if it is a typographical error or a separate "bundle" of contributions.

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